

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

ANTHONY PAUL DABROWSKI, JR.,	)	
	)	
Plaintiff,	)	Civil Action No. 20-142E
	)	
v.	)	Judge Cathy Bissoon
	)	
OFFICER JOSHUA ALLISON, <i>et al.</i> ,	)	
	)	
Defendants.	)	

**ORDER**

Defendants' renewed Motion to Dismiss (Doc. 19), seeking dismissal of Plaintiff's *Monell* claim(s), and the City of Erie Police Department, will be granted.

In a prior Order, the Court dismissed Plaintiff's putative *Monell* claims, explaining:

Plaintiff has failed to make plausible allegations that the Department had a policy or custom of permitting its officers to engage in the constitutional-deprivations alleged. . . . Although the Court has doubts, it cannot be said with certainty that the aforementioned deficiency is incapable of being cured. Accordingly, the dismissal will be without prejudice to Plaintiff filing an amended complaint, should he choose, as relates to *Monell* (only). To be clear, conclusory allegations, or legal conclusions cast in the form of factual averment, will not suffice. . . . Rather, Plaintiff must be prepared to come forward with specific, plausible allegations in support of municipal liability.

Doc. 16 at 1-2.

Plaintiff has filed an Amended Complaint (Doc. 18), and the Court's doubts have proven warranted. No plausible allegations regarding a municipal policy or custom have been offered (as recognized in the law, at least), and the Court has no reason to believe that the claim will improve by further amendment. Defendants' renewed Motion to Dismiss (**Doc. 19**)

is **GRANTED**; Plaintiff's *Monell* claim is **DISMISSED WITH PREJUDICE**; and the City of Erie Police Department is terminated as a party to this lawsuit.

In light of Plaintiff's *pro se* status, the Court briefly will describe what will happen next. The remaining Defendant, Officer Allison, is provided a period of time, under Federal Rule of Civil Procedure 12(a)(4), to file an "answer" to the Amended Complaint.<sup>1</sup> Once that has been filed, and as appropriate, the Court will enter additional order(s) explaining what will be expected of Plaintiff, and Defendant, moving forward.

IT IS SO ORDERED.

March 15, 2022

s/Cathy Bissoon  
Cathy Bissoon  
United States District Judge

cc (via ECF email notification):

All Counsel of Record

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<sup>1</sup> See Gruber v. Tennessee Bd. Tr., 2022 WL 256295, \*1 (M.D. Tenn. Jan. 26, 2022) (endorsing views consistent with the conclusion that Rule 12(a)(4) governs under the present circumstances).